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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**ATHENS and ATLANTA, ILLINOIS**

RM -8652

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## REPLY COMMENTS

1. By Notice of Proposed Rule Making, DA 95-1514, released July 26, 1995, the Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau, has proposed to allot Channel 241A to Athens, Illinois, as that community's first local transmission service. On September 18, 1995, Atlantis filed its Comments and Counterproposal to allot Channel 242A at Atlanta in lieu of the proposed allotment of Channel 241A at Athens. By Public Notice, Report No. 2102, released September 29, 1995, the Commission

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acknowledged that the Atlantis filing will be treated as a counterproposal in this docket.<sup>1/</sup>

2. On September 18, 1995, the Athens rule making proponent, WSM1, Inc., filed timely Comments affirming its interest in the Atlanta allotment, and if allotted its intention to file an application therefor and if authorized to operate a new FM station on Channel 241A. In reply,<sup>2/</sup> Atlantis would urge the Commission to allot Channel 242A at Atlanta in lieu of Channel 241A at Athens.

3. As noted in Atlantis' Comments and Counterproposal (§4), Atlanta is an incorporated place located in Logan County, Illinois. Atlanta has a population of 1,616 and Logan County a population of 30,798 (1990 Census). The proposed Channel 242A allotment would provide a first local (aural) transmission service to Atlanta. Athens is an incorporated place located in Menard County, Illinois. Athens has a population of 1,404 and Menard County has a population of 11,164 (1990 Census). The proposed Channel 241A allotment would provide a first local (aural) transmission service to Athens.

4. The Commission established the following FM allotment priorities in Revision of FM Assignment Policies and Procedures, 90 FCC2d 88 (1982):

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<sup>1/</sup> Channel 242A and Atlanta have been added to the above-caption.

<sup>2/</sup> In its Notice supra, the Commission established October 3, 1995, as the deadline for interested parties to file reply comments (Ibid., §5).

- (1) First full-time aural service;
- (2) Second full-time aural service;
- (3) First local service; and
- (4) Other public interest matters.

5. There is annexed hereto as Appendix A a Technical Statement prepared by T. Z. Sawyer Technical Consultants which demonstrates that neither proposal would provide a first aural service to an unserved or underserved area; therefore, neither allotment priorities (1) First full-time aural service nor (2) Second full-time aural service are implicated by the Athens and Atlanta proposals. Both proposals also would provide service to areas and populations which are already well served by other stations. The range of service in each case is between five to thirteen other reception signals (Ibid.).

6. In these circumstances, the precedent is legion that the population difference between Atlanta (1,616) and Athens (1,404) is dispositive. FM Table of Allotments (Northweye, Cuba, Missouri et al., 7 FCC Rcd 1449, 1452 (1992); FM Table of Allotments (Three Oaks and Bridgman, Michigan), 5 FCC Rcd 1004 (1990); FM Table of Allotments (Obion and Tiptonville, Tennessee), 7 FCC Rcd 2644 (1992); FM Table of Allotments (Brownstown, Cannelton and Edinburgh, Indiana, et. al.), 7 FCC Rcd 3173, 3176 (1992).

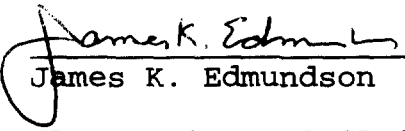
7. In Blanchard, supra, the Commission recently had occasion to affirm its reliance on this "long-standing precedent". There, where ample aural reception services were available, "substantial weight" was given to the population difference between the two communities proposed for allotment.

**WHEREFORE**, for the foregoing reasons, Atlantis respectfully requests the Commission to allot Channel 242A to Atlanta, Illinois, in lieu of Channel 241A to Athens, Illinois.

Respectfully submitted,

**ATLANTIS BROADCASTING CO. L.L.C.**

By:

  
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DATED: October 3, 1995  
[135519.1]

**APPENDIX A**

**TECHNICAL EXHIBIT  
FM TABLE OF ALLOTMENTS  
CHANNEL 242A  
ATLANTA, ILLINOIS**

**Proponent: Atlantis Broadcasting Co. L.L.C.**

**Narrative**

**This technical narrative was prepared on behalf of Atlantis Broadcasting Co. L.L.C., in support of its counterproposal to modify the FM Table of Allotments (47CFR 73.202) to add FM Channel 242A as a fully spaced Class A FM Commercial Service, to serve the community of Atlanta, Illinois.**

**The proposed service areas of the Atlanta and Athens, Illinois proposals were examined by this office to determine if any area within the theoretical coverage areas of the proposals was unserved or underserved (less than five "other" full-time aural reception services).**

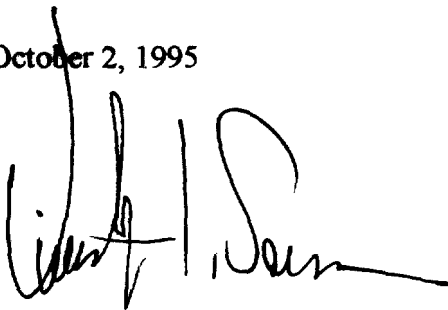
**Each proposed service was evaluated using the Commission's methodology for determining aural broadcast reception services within the theoretical coverage areas. All existing AM and FM stations (including construction permit facilities) were considered. Our studies included vacant FM allotments where appropriate.**

**In cases of AM stations, the AM 2-mV/m groundwave contour was used. In cases of FM stations, the 1-mV/m predicted signal contour, along with the maximum facilities for the station Class was used. Noncommercial FM stations were evaluated using their actual operating facilities. All FM stations were considered to have idealized terrain characteristics. No Class C FM stations were involved in this study. Therefore, their particular exceptions to the Commission methodology in determining coverage contours from Class C stations were not employed.**

Technical Narrative  
Atlanta, IL,  
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Both Atlanta and Athens proposals receive a minimum of five or more "other" aural reception services. We were unable to determine any areas with less than five full-time aural services within the theoretical service areas proposed. Each theoretical service area currently receives between five and thirteen "other" full-time aural reception services.

October 2, 1995

A handwritten signature in black ink, appearing to read "Timothy Z. Sawyer", with a long horizontal flourish extending to the right.

Timothy Z. Sawyer  
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**CERTIFICATE OF SERVICE**

I, Virginia L. Davidson, a secretary in the law offices of Gardner, Carton & Douglas, do hereby certify that true copies of the foregoing "**REPLY COMMENTS**" were sent October 3, 1995, First-Class United States mail, postage prepaid, or as indicated by hand to the following:

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